

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

**CESAR SIFUENTES, A Minor, by his
guardian ad litem, SUSAN M.
GRAMLING,**

Plaintiffs,

v.

Case No. 10-C-0075

**AMERICAN CYANAMID
COMPANY, et al.,**

Defendants.

DECISION AND ORDER

Plaintiff, a minor, brings this action against defendant lead paint manufacturers, alleging that he was harmed by their product. Plaintiff's counsel indicated on the civil cover sheet that he filled out when he filed the complaint that the present case is related to three other cases currently pending before me.¹ Thus, pursuant to Civil L.R. 3.1(c), the clerk assigned the case to me. Before me now is defendants' request that I return the case to the clerk for reassignment to a different judge on the ground that it is not related to the other three.

Civil Local Rule 3.1(c) (E.D. Wis.), which was in effect when the present case was filed, provided that where

the Civil Cover Sheet indicates a pending related case, the new case must be assigned to the same judge. Factors to be considered in determining whether or not a case is related to another case in this district include

¹These cases are Burton v. American Cyanamid, case number 07C303; Owens v. ABC Insurance, case number 07C441; and Stokes v. American Cyanamid, case number 07C865.

whether both cases (i) arise from substantially the same transaction or events; (ii) involve substantially the same parties or property; or (iii) involve the same patent, trademark, or copyright. Civil cases cannot be related to criminal cases. Any dispute regarding whether or not pending cases are related will be resolved by the Judge assigned to the earlier-filed case.

Although the cases do not arise from the same transaction or event, they arise from substantially similar factual circumstances. All four cases involve the same defendants and similar if not identical issues. The parties in all four cases are likely to rely on the same witnesses and documents. The administration of justice will be furthered by having the same judge handle the four cases. See Habitat Educ. Ctr., Inc. v. Kimbell, 250 F.R.D. 390, 396-97 (E.D. Wis. 2008). Thus I conclude that the cases are related.

Therefore, for the reasons stated,

IT IS ORDERED that defendant's motion for reassignment is **DENIED**.

Dated at Milwaukee, Wisconsin, this 17 day of June, 2010.

/s_____
LYNN ADELMAN
District Judge